

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 03063-0821US

In re Application of: Michael A. Frace, Alexander I. Klimov and Jacqueline M. Katz

As above named inventor, I hereby declare that:

BEST AVAILABLE COPY

My residence, post office address and citizenship are as stated below to my knowledge. I believe, and on oath, that the above-named inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PREPARATION AND USE OF RECOMBINANT INFLUENZA A VIRUS M2 CONSTRUCTS AND VACCINES**, the specification of which was filed on August 6, 1998, as International Application No. PCT/US98/16379, which is a national stage application (U.S. Patent Application No. 09/485,099) having been filed under 35 U.S.C. 371.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
_____	_____	_____	Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Application No.)</u>	<u>(Filing Date)</u>
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
08/906,930	August 6, 1997	_____

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony B. Askew - 24,154; Roger T. Frost - 22,176; Robert E. Richards - 29,105; Stephen M. Schaetzl - 31,418; Larry A. Roberts - 31,871; Dale Lischer - 28,438; Peter G. Pappas - 33,205; James Dean Johnson - 31,771; Daniel J. Warren - 34,272; Leona G. Young - 37,266; Jamie L. Greene - 32,467; Mary Anthony Merchant - 39,771; William L. Warren - 36,714; Brenda Ozaki Holmes - 40,339; James D. Withers - 40,376; Kimberly J. Prior - 41,483; Theodore M. Green - 41,801; John K. McDonald - 42,860; Michael S. Paventio - 42,985; Suzanne Seavello Shupe - 37,933; Sima Singadi; Kulkarni - 43,732; Christopher J. Chan - 44,070; John M. Briski - 44,562; Lisa C. Elsevier - 44,669; S. Craig Hemenway - 44,759; Paul E. Knowlton - 44,842; Charles E. Peeler - 45,004; Cheryl L. Huseman - 45,392; Adam Avrunin - 45,457; Shelby B. Grier - 45,785; Vaibhav P. Kadaba - 45,865; Scott E. Brient - 44,561; David J. Hayzer - 43,329; Michael S. Greenfield - Reg. No. 37,142; Russ P. Metler - Reg. No. 45,365.

Send correspondence to: **JONES & ASKEW, LLP**

Direct telephone calls at (404) 949-2400

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Atlanta, GA 30326

Jamie L. Greene

Full name of joint inventor: Alexander I. Klimov	Citizenship: Russia
Residence and Post Office Address: 13197 Amblewood Court, Atlanta, GA 30345	
Inventor's signature <i>Alexander Klimov</i>	Date: 8/14/00

AUG 15 2000

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Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

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Jamie L. Greene

Full name of joint inventor: Michael A. Frace	Citizenship: USA
Residence and Post Office Address: 1828 Almeta Avenue, Atlanta, GA 30307	
Inventor's signature <i>Michael Frace</i>	Date: 8/11/2000

Aug 15 2000

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			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(c) of any United States provisional application(s) listed below:

(Application No.)	(Filing Date)	(Application No.)	(Filing Date)
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Jamie L. Greene

Full name of joint inventor: Jacqueline M. Katz	Citizenship: Australia
Residence and Post Office Address: 447 Hardendorf Avenue, Atlanta, GA 30307	Date: 8-16-00
Inventor's signature: Jacqueline Katz	